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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,265	09/19/2003	Thomas J. Hartle	125855-2	6052
23413	7590	11/16/2006		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER CHEUNG, WILLIAM K	
			ART UNIT	PAPER NUMBER
			1713	
DATE MAILED: 11/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,265

Applicant(s)

HARTLE ET AL.

Examiner

William K. Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 081706.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the amendment filed August 17, 2006 and September 20, 2006, claim 21 has been cancelled, and new claims 38-45 have been added. Claims 1-20, 22-45 are pending.

2. In view of the amendment filed August 17, 2006 and September 20, 2006, the rejection of Claims 1-20, 28-34, 37 under 35 U.S.C. 102(e) as being anticipated by Adedeji et al. (US 2002/0137840 A1), is withdrawn.

3. In view of the following rejection, the allowability of claims 21-27, 35, 36 is withdrawn.

### ***Claim Objections***

4. Claims 22, 23 are objected because they are setting dependency onto a cancelled claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-20, 22-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adedeji et al. (US 2001/0031808 A1) in view of Adedeji et al. (US 2002/0137840 A1).

*The invention of claims 1-20, 22-45 relates to an under hood component comprising a reinforced poly(arylene ether)/polyolefin blend and a polyolefin-graft-cyclic anhydride copolymer.*

Adedeji et al. (US 2001/0031808, page 1, 0010-0013; page 2, paragraphs 0021-0022; page 7-8, claims 1-11) disclose polyphenylene ether resin and styrenic resin comprising polyolefins that have been grafted with maleic anhydride Adedeji et al. (US

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2001/0031808, page 2, paragraph 0022), a composition that is substantially identical to the composition being used for the claimed "under hood component".

The difference between the invention of claims 1-20, 22-45 and Adedeji et al. (US 2001/0031808 A1) is that Adedeji et al. (US 2001/0031808 A1) do not suggest using the disclosed composition for automotive under hood component application.

However, in a similar disclosure, Adedeji et al. (US 2002/0137840, abstract, page 10-12, claims 1-36) disclose a blend composition that is substantially identical to the under hood component composition being claimed. Since Adedeji et al. (page 7, paragraph 82) disclose that the composition are suitable for under hood component application which generically also include the radiator end cap as claimed, motivated by the expectation of success of using the polymer product of Adedeji et al. (US 2002/0137840 A1) in under hood component application, it would have been obvious to one of ordinary skill in art to employ the under hood component teachings of Adedeji et al. (US 2002/0137840 A1), which generically include radiator end cap applications, into the composition teachings of Adedeji et al. (US 2001/0031808 A1) to obtain the invention of claims 1-20, 22-45.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number is (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William K. Cheung, Ph. D.

Primary Patent Examiner

November 11, 2006

**WILLIAM K. CHEUNG  
PRIMARY EXAMINER**